THE HON'BLE SRI JUSTICE C.V. RAMULU

Monday, 10th day of July,2006

W.P.No.28246 of 1998

Between :

Palacharla Satyanarayana ... Petitioner

and

Government of A.P., rep. by its
Principal Secretary, Irrigation Department,
Secretariat Building, Hyderabad & others ...
Respondents

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ORAL ORDER:

This Writ Petition is filed seeking a Mandamus declaring the action of the respondents in depriving the petitioner of his land to an extent of 4.28 Hectares in Survey No.62 of Nimmalapalem village, Addateegala Mandal of East Godavari District without paying any compensation as arbitrary, illegal and violative of Articles 21 and 300-A of the Constitution of India and consequently to direct the respondents to pay proper compensation to the petitioner for the land in question.

It is the case of the petitioner that he is a resident of Mallavaram Mamillu village in the agency area of East Godavari District. He owns an extent of 4.28 Hectares of land in Sy.No.62 of Nimmalapalem village. While so, the said land was taken possession by the Government in the year 1974 for construction of an irrigation reservoir called 'Maddigadda Reservoir' and ultimately, the said land submerged in the foreshore submergible area under the said irrigation reservoir. At the time of construction of reservoir, all the land owners whose lands were acquired were paid compensation, but he was not paid any compensation on the ground that a dispute exists before the Settlement officer with regard to his patta for the above land. In fact, the dispute was settled and final Orders were passed by the Director of Settlement in A.P.No.128 of 1981, dated 30-6-1982. The appeal filed

by the Government against the said Order before the Commissioner of Survey, Settlement and Land Records, Hyderabad was also dismissed on 21-9-1983. Thus, the so-called dispute about his ownership over the land in question does not exist. Immediately thereafter, he filed several representations before the authorities requesting them to pay compensation, but the same was not paid. Hence, the Writ Petition.

A detailed counter affidavit has been filed by the 3rd respondent-Revenue Divisional Officer, Rampachodavaram stating *inter alia* that it is a fact that the land in question was recorded as 'Government Poramboke' in the earlier report. Subsequently, the Director of Settlement issued Proceedings in favour of the petitioner to grant settlement patta. So, the land in question can be treated as patta land and the petitioner as pattadar and changes were effected in the revenue records treating the land in question as 'Government dry'. Thereafter, pattadar pass book was also issued to the petitioner. However, the proposals sent for acquisition of the land in question were returned by the District Collector with a direction to resubmit the same after sufficient funds are deposited by the Requisitioning Department.

Having heard either counsel and having regard to the facts and circumstances of the case, respondents 2 to 4 are directed to initiate land acquisition proceedings in respect of the land in question and complete the process, within a period of three months from the date of receipt of a copy of this order and pay compensation to the petitioner within one month thereafter.

Accordingly, the Writ Petition is allowed. No order as to costs.

10-7-2006

prk